

APPROVED

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Tuesday, February 27, 2007

The County Council for Montgomery County, Maryland convened in the Council Conference Room, Stella B. Werner Council Office Building, Rockville, Maryland, at 9:15A.M. on Tuesday, February 27, 2007.

PRESENT

Councilmember Marilyn Praisner, President
Councilmember Phil Andrews
Councilmember Marc Elrich
Councilmember Nancy Floreen

Councilmember Michael Knapp, Vice President
Councilmember Roger Berliner
Councilmember Valerie Ervin
Councilmember George Leventhal
Councilmember Duchy Trachtenberg

The President in the Chair.

SUBJECT: Breakfast Meeting with the Washington Suburban Sanitary Commission (WSSC)

The Council met with Mr. Brunhart, General Manager, and Commissioner Botts, Vice Chair, WSSC, and commented on WSSC's strategic priorities as outlined by Mr. Brunhart.

Ms. Praisner requested Council staff to include a reference to the WSSC's infrastructure plan in any findings of the interagency Infrastructure Maintenance Task Force Report.

The Council recessed at 10:00 A.M. and reconvened in the Council Hearing Room at 10:16 A.M.

The invocation was given by Venkataramany Balakrishnan, Sri Siva Vishnu Temple.

SUBJECT: General Business

Agenda and Calendar Changes

Ms. Lauer, Clerk of the Council, noted an addendum to the agenda, indicating that on April 10, the Council will announce a May hearing date for Capital budget and Capital Improvements Program (CIP) for the Montgomery County Public Schools; and that action will be scheduled at a later date on the resolution to designate sources of funding for annual appropriation to the Montgomery Housing Initiative Fund (HIF).

Receipt of Petitions

Acknowledged receipt of a petition in support of full funding for the public libraries FY08 operating budget.

Approval of Minutes

Approved the minutes of February 1, 5, and 6, 2007.

Mr. Andrews made the motion. Mr. Berliner and Mr. Elrich were temporarily absent.

SUBJECT: Consent Calendar

Reference: Agenda Item 3

Approved the Consent Calendar:

Introduced a resolution to designate sources of funding for annual appropriation to the Montgomery Housing Initiative Fund (HIF);

Introduced a supplemental appropriation to the Montgomery College's FY07 Capital Budget and amendment to the FY07-12 Capital Improvements Program - \$1,300,000 for Takoma Park Campus Expansion;

Introduced a resolution to redesignate County's Local Management Board;

Received and released Office of Legislative Oversight Report 2007-6, Base Budget Review of the Montgomery County Fire and Rescue Service, Phase 1;

Approved Audit contract Amendment #4 with KPMG, LLP;

Resolution 16-57, approving the policy regarding loans from the General Fund to other funds within County Government;

Resolution 16-58, approving Executive/Council Memorandum of Understanding regarding County Cable Montgomery;

Deferred consideration of the supplemental appropriation to the County Government's FY07 Operating Budget, Montgomery County Fire and Rescue Service - \$243,680 for Staffing for Adequate Fire and Emergency Response (SAFER) grant, pending receipt of additional cost information from Executive Branch staff. Mr. Andrews requested Executive Branch staff to provide a full accounting of costs associated with the SAFER grant.

Resolution 16-59, amending Council Rules of Procedure;

Resolution 16-60, approving a special appropriation to the County Government's FY07 Operating Budget, Department of Correction and Rehabilitation - \$40,820 for Pre-Trial Services Division;

Resolution 16-61, approving Executive Regulation 20-06, Sidewalk Vendor Operation and License; and

Later in the meeting, Mr. Berliner brought to the Council's attention the request from the Village of Friendship Heights that it be notified by the Department of Permitting Services (DPS) when vendor permits are requested for areas within the Village of Friendship Heights. Council staff was directed to notify DPS staff of the request.

Resolution 16-62, approving Executive Regulation 24-06AM, Floodplains.

Mr. Knapp made the motion.

SUBJECT: **Legislative Session**

See the legislative journal for the minutes of this session.

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS A DISTRICT COUNCIL FOR THAT PORTION
OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT
WITHIN MONTGOMERY COUNTY**

SUBJECT: **Resolution to Revise the Process for Consideration of Zoning Text
Amendments**

Reference: Agenda Item 5

Ms. Praisner, Chair of the Planning, Housing, and Economic Development (PHED) Committee, reviewed the Committee report and recommendation.

Accepted Mr. Berliner's suggestion that the order of items 4 (d) and (e), shown on ©4 of staff's memorandum, be reversed.

Mr. Knapp suggested that the revised process be made available on the Council website.

Resolution 16-63 was adopted, revising the process for consideration of zoning text amendments.

The PHED Committee made the motion.

SUBJECT: **Receipt and Release – Office of Legislative Oversight (OLO) Report 2007-5, Key Fiscal Indicators for Montgomery County Public Schools**

Reference: Agenda Item 6

Received and released OLO Report 2007-5.

Mr. Elrich made the motion.

Mr. Elrich suggested that the correlation between the addition of staff and class size reduction be tracked, that an accurate definition of the term 'proficiency' be identified, and that Standard Aptitude Test (SAT) scores be used as a fiscal indicator.

Ms. Floreen suggested that OLO staff clarify the use of the terms 'cost' and 'expenditure' and expressed interest in a longer term analysis of successful student achievement.

Ms. Trachtenberg requested additional information on school-based services and recommended that costs associated with these services be utilized as a fiscal indicator.

The Council recessed at 11:55 A.M. and reconvened at 1:35 P.M.

SUBJECT: **Public Hearing on a Supplemental Appropriation to the FY07 Operating Budget, Montgomery County Fire and Rescue Service - \$1,461,940 for Local Fire and Rescue Departments, FY06 Senator Amoss Fire, Rescue and Ambulance Fund**

Reference: Agenda Item 7

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business March 2, 2007.

A Public Safety Committee worksession is tentatively scheduled for March 8, 2007 at 10:30 A.M.

SUBJECT: **Public Hearing on Expedited Bill 3-07, Planning Board – Salaries**
Reference: **Agenda Item 8**

The public hearing was conducted and the record was closed.

A Management and Fiscal Policy Committee worksession is tentatively for March 1, 2007 at 9:00 A.M.

SUBJECT: **BRIEFING - Events related to Charter House Evacuation**
Reference: **Agenda Item 9**

Received a briefing from Mr. Reilly, Assistant Chief Administrative Officer, on the events surrounding the Charter House evacuation; and comments from Mr. Cassidy, President, and Ms. Price, Corresponding Secretary, Mr. Ricketts, Coordinating Secretary and Ms. Holmes, Charter House Residents Association on the evacuation, interim housing and services, and re-occupation of the building.

Requested Executive staff provide a list of County multi-family residences that may be vulnerable in a similar type of situation.

Suggested the various issues related to the Charter House evacuation, conditions of the building, fund for improvement of the building, security, and other issues be reviewed by the Planning, Housing, and Economic Development, Public Safety, and Health and Human Services Committees.

SUBJECT: **Proposed Closed Session – Motion to Close**

ACTION: Agreed to meet in closed session for the purpose of consulting with counsel to obtain legal advice regarding pending or potential litigation, pursuant to Maryland Code, State Government Article, §10-508 (a) (7) and (8). Topic is appeals from Board of Appeals.

Mr. Berliner made the motion. Ms. Floreen and Mr. Knapp were temporarily absent.

The County Council convened in the Council Conference Room in closed session from 3:10 P.M. until 4:05 P.M.

The meeting adjourned at 4:05 P.M.

This is an accurate account of the meeting:

Linda M. Lauer, Clerk of the Council